

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s):

Budinger

Application No.: 09/805,328

Filed: 3/13/2001

Title: WINDOW PORTION WITH AN ADJUSTED  
RATE OF WEAR

Attorney Docket No.: 156US

Group Art Unit:  
3723Examiner:  
W. Berry, Jr.

FAX RECEIVED

FEB 11 2003

GROUP 3700

RESPONSE TO RESTRICTION REQUIREMENTAssistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

This is in response to the Office Action dated January 24, 2003, pointing out that Applicant's response filed on March 4, 2002, was not fully responsive to the prior Office Action because it failed to elect a claimed invention from the claims restricted in the different groups under 37 CFR. 1.111.

Per Applicant's representative's telephone call to Examiner Berry, submitted herewith is a Preliminary Amendment that cancels claims 1-32 and adds new claims 33-44. Applicant believes that new claims 33-44 better captures Applicant's invention and will greatly facilitate the examination of the present Application.

Accordingly, Applicant respectfully requests that Examiner enter the attached Preliminary Amendment and proceed with examining the application with newly added claims 33-44.

Because the newly added claims reflect in part the canceled claims, Examiner may believe a restriction requirement is appropriate for the newly added claims, along the lines of the previous restriction requirement (e.g., Group I: Apparatus claims 33-40; Group II: Method claims 41-44, or such similar grouping).

In anticipation of such a Restriction Requirement, and to save the Examiner and Applicant time and effort, if a Restriction Requirement is made that includes a Group I consisting of claims 33-40 as apparatus claims, Applicant hereby agrees to elect Group I as the Group of claims to be examined, without traverse, and reserves the right to prosecute any other Groups of claims at a later date.

In the alternative, if the Examiner insists upon having a response to the earlier Restriction Requirement dated January 30, 2002, directed to claims 1-32, then Applicant hereby elects without traverse Group I claims 1-15 and 17-32 to be examined, and reserves the right to prosecute the claims in the remaining Groups. Applicant notes that under this scenario, Applicant still intends to cancel claims 1-15 and 17-32 and file the identical Preliminary Amendment adding claims 33-44, as per attached.

The Examiner should feel free to telephone Joseph E. Gortych, Applicants' Attorney at 802 655-7222, if there are any questions regarding this Response or the attached Preliminary Amendment.

Respectfully submitted,

2/11/03  
Date

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I hereby certify that this correspondence is submitted via facsimile transmission to TC 3700 at 703 872-9302 on the date indicated below.

Date of Deposit: February 11, 2003

Typed Name: Barbara A. Wiley

Signature: Barbara A. Wiley